

REMARKS

Claims 33 through 36 are pending in this application.

35 U.S.C. § 102(e)

In addition to the remarks made in the Applicants' Amendment dated January 22, 2007 regarding the Examiner's rejection of Claims 33 through 36 under 35 U.S.C. § 102 as anticipated by Blom et al. (U.S. Patent No. 5,741,705 filed on February 23, 1995) (hereinafter called "Blom"), the Applicants provide the following additional explanation.

Blom can be seen not to teach a gluten-free peptide product for the following reason. Experiment 2 in Blom is analogous to "Example 1-Experiment 2" in the present patent application, which does not yield a gluten-free peptide product even according to applicants' own claimed invention. In both experiments, the gluten was hydrolyzed under acidic conditions where the pH was less than or equal to 3.4. The results of applicants' "Example 1-Experiment 2" show an unacceptable amount of gluten present in the peptide product. As indicated in Table 1 of the present patent application, the product resulting from "Example 1-Experiment 2" contained gluten in excess of 320 parts per million when the wheat gluten was hydrolyzed at a pH of 3.2 to 3.4. However, the claimed invention is a peptide product that contains less than 20 parts per million of gluten, as shown in Table 1 (see experiments 6 through 9), which shows the results of experiments when the hydrolysate is acidified to a pH of 4 to 5.

Thus, the results of the applicants' own "Example 1-Experiment 2" suggest that hydrolyzing gluten at a pH of 3.4 or less does not yield a gluten-free peptide product. It follows that Blom, which describes hydrolyzing gluten at an even lower pH of 1.5, would not yield a peptide product that contains less than 20 parts per million of gluten. As such, it is respectfully submitted that Experiment 2 in Blom does not teach or suggest a gluten-free peptide product because such a result appears not even to be inherent.

In view of the foregoing remarks and remarks contained in the Amendment dated January 22, 2007, it is respectfully submitted that pending claims 33 through 36 in the present application are in condition for allowance. Accordingly, reconsideration and

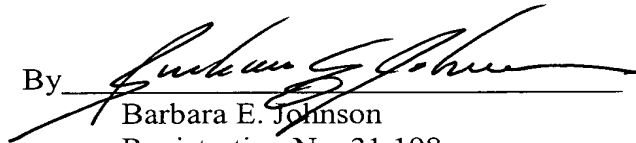
Application No.10/765,269
Supplemental Response to Office Action dated August 22, 2006
Paper dated February 15, 2007
Attorney Docket No. 0470-040032
Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1600

withdrawal of the rejection and an early Notice of Allowance are respectfully requested. Applicants' undersigned representative would very much appreciate a telephonic or in-person interview, if necessary, for the purpose of attending to and resolving any issues which may remain prior to allowance of this patent application, and would welcome a telephone call at the telephone number listed below.

Respectfully submitted,

THE WEBB LAW FIRM

By



Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com